

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. CV09-392-N-EJL
	)	
vs.	)	LITIGATION ORDER
	)	
UNION PACIFIC RAILROAD COMPANY, et al,	)	
	)	
Defendants.	)	

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On August 14, 2009, the above-entitled action was filed in the District of Idaho.

**THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:**

1. Pursuant to Local Rule 16.1, the parties shall meet and determine:
  - A. A litigation plan<sup>1</sup>;
  - B. If the case is suitable for an alternative dispute resolution (ADR) program such as arbitration, mediation<sup>2</sup> or judicial settlement conference.

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<sup>1</sup>Attached is a Civil Case Litigation Outline which shall be used by the parties in determining their case litigation plan. The Court will expect the outline to be followed unless a showing by the parties is made that the case is highly complex in nature. The litigation plan form can be found at [http://www.id.uscourts.gov/forms-dc/LITPLAN\\_ejl.pdf](http://www.id.uscourts.gov/forms-dc/LITPLAN_ejl.pdf).

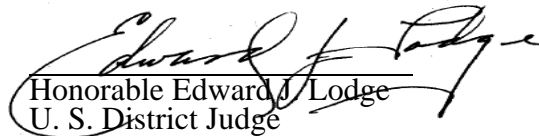
<sup>2</sup>Pursuant to Local Rule 16.5, the parties shall discuss and determine whether or not they will participate in a mediation program. Mediation is a process whereby a trained, experienced and impartial neutral, selected by the parties and or the Court, will facilitate discussion, and assist in identifying issues and generating options in an attempt to resolve the dispute which prompted the litigation.

A party can move for withdrawal from the mediation process upon a showing that reasons exist as to why mediation would not be productive or otherwise should not occur.

2. On or before **November 4, 2009**, the parties shall file with the court the Litigation Plan form and, if appropriate, the Consent to Proceed Before a Magistrate Judge form.
3. Initial disclosures shall be made by the parties pursuant to Federal Rules of Civil Procedure 26.1 and Local Rule 16.1.
4. A telephonic scheduling conference shall be held on **November 18, 2009**, at **9:30 a.m.** mountain time, for the purpose of confirming the deadlines proposed by the parties in the Litigation Plan Form and to set the matter for trial.
5. Counsel for Plaintiff shall initiate the conference call by placing it to Diane McDonald, Administrative Assistant, at 208-334-9270 and shall have all appropriate parties on the line.

DATED: **August 17, 2009**



  
Honorable Edward J. Lodge  
U. S. District Judge

## CIVIL CASE LITIGATION OUTLINE

<b>DAY</b>	<b>EVENT</b>
1	Complaint Filed in Federal Court
69	Parties Meet on Litigation Plan (Local Rule 16.1)
80	<b><u>DISTRICT COURT FILING DEADLINE:</u></b> Joint Litigation Plan Form
83	<b>Case reviewed by Court for:</b> <b>(1) Completion of service (2) Litigation Plan Form</b> Initial Disclosure Deadline (FRCP 26.1, and Local Rule 16.1)
90	<b><u>TELEPHONE SCHEDULING CONFERENCE</u></b>
135	Expert Disclosure by plaintiff
165	Expert Disclosure by defendant
180	Rebuttal Expert Disclosure by plaintiff
210	Pre-Alternative Dispute Resolution (ADR) Discovery Deadline <b><u>DISTRICT COURT FILING DEADLINE:</u></b> Motion to Amend
240	ADR Conference (Mediation, Arbitration or Settlement Conference)
247	<b><u>DISTRICT COURT FILING DEADLINE:</u></b> ADR Status Report
300	Final Discovery Deadline
330	<b><u>DISTRICT COURT FILING DEADLINE:</u></b> Pre-Trial Motions (6 months before trial) Responsive Pleadings Due 21 Days from Receipt of Motion Reply Pleadings Due 10 Days from Receipt of Response  <b><u>DISTRICT COURT FILING DEADLINE:</u></b> Dispositive Motions Responsive Pleadings Due 21 Days from Receipt of Dispositive Motion Reply Pleadings Due 10 Days from Receipt of Response
531	<b><u>TRIAL:</u></b> Scheduled to begin on Tuesdays at 9:30 a.m. unless otherwise ordered.